

1 Frank S. Hedin (SBN: 291289)
E-mail: fhedin@hedinhall.com
2 David W. Hall (SBN: 274921)
E-mail: dhall@hedinhall.com
3 **HEDIN HALL LLP**
4 Four Embarcadero Center, Suite 1400
San Francisco, CA 94104
5 Telephone: (415) 766-3534
6 Facsimile: (415) 402-0058

7 Abbas Kazerounian (SBN: 249203)
E-mail: ak@kazlg.com
8 Jason A. Ibey (SBN: 284607)
E-mail: jason@kazlg.com
9 **KAZEROUNI LAW GROUP, APC**
10 245 Fischer Avenue, Suite D1
11 Costa Mesa, California 92626
12 Telephone: (800) 400-6808
13 Facsimile: (800) 520-5523

14 *Counsel for Plaintiffs and the Putative Class*

15 [Additional Counsel on signature page]

16 **UNITED STATES DISTRICT COURT**

17 **CENTRAL DISTRICT OF CALIFORNIA**

18 AMANDA HILL; and GAYLE HYDE,
19 Individually and On Behalf of All Others
Similarly Situated,

20 Plaintiffs,

21 v.

22 QUICKEN LOANS INC.,

23 Defendant.
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Case No. 5:19-cv-00163-FMO-SP

**JOINT STIPULATION RE:
FURTHER EVIDENTIARY
HEARING ON DEFENDANT'S
MOTION TO COMPEL
ARBITRATION**

1 Plaintiffs Amanda Hill and Gayle Hyde and Defendant Quicken Loans Inc.
2 submit this joint stipulation pursuant to the Court's Order regarding whether the
3 evidentiary hearing should continue, ECF No. 86.

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5 WHEREAS, in its Order, the Court directed the parties to "confer as to whether
6 a ruling on the current record is appropriate or whether the evidentiary hearing should
7 continue in order to hear testimony from the remaining witnesses," "file a Joint
8 Stipulation indicating whether they choose to present more witnesses," and, "[i]f the
9 parties choose to present more witnesses," to "include three proposed hearing dates in
10 April or thereafter;"

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12 WHEREAS, the Parties have conferred as directed and do not agree on
13 whether to present the remaining witnesses; and

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15 WHEREAS, the positions of each Party on whether to continue the evidentiary
16 hearing are as follows:

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18 **Plaintiffs' Position:** Plaintiffs maintain that no further witnesses are necessary
19 and that a ruling on the current record is appropriate. The only remaining potential
20 witnesses are Plaintiffs' expert and Defendant's rebuttal expert. Because Plaintiffs
21 believe the current evidentiary record is already more than sufficient to raise numerous
22 genuine disputes of fact and thus that Defendant has already failed to carry its burden
23 such that the Motion should be denied, Plaintiffs do not believe it necessary call their
24 own expert witness or any other additional witnesses. Accordingly, Plaintiffs believe
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1 no further witnesses or evidence are necessary, that the current evidentiary record is
2 more than sufficient for the Court to rule on Defendant's Motion, and thus that no
3 further evidentiary hearing should be scheduled. During the parties' meet and confer,
4 Defendant stated that they intend to submit their written rebuttal expert testimony even
5 if Plaintiffs do not submit expert testimony. Plaintiffs object to Defendant's suggestion
6 as improper and wasteful; If Plaintiffs' expert does not testify, Defendant's rebuttal
7 expert would have nothing to rebut. But should Defendant nonetheless submit written
8 expert testimony, Plaintiffs reserve their right to submit their own expert testimony and
9 to cross-examine Defendant's expert.
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13 **Quicken Loans' Position:** Quicken Loans maintains that, consistent with the
14 discussion held with the Court at the conclusion of the evidentiary hearing session held
15 on February 28, 2020, the Court should finish the evidentiary hearing and take direct
16 testimony from the remaining two witnesses by declaration, followed by cross
17 examination before the Court. To the extent Plaintiffs are resting their evidentiary
18 presentation, then Quicken Loans alone should still be allowed to present its rebuttal
19 expert testimony. That expert testimony will rebut the otherwise unsubstantiated
20 testimony of Plaintiff Hill and explain that the technical and data evidence from the
21 website's code and third-party compliance software refute Hill's testimony. While
22 Quicken Loans' expert is a rebuttal, his testimony—which was only obtained because
23 Plaintiffs submitted an expert report concerning Plaintiff Hill's actions—Quicken
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1 Loans should be allowed to present it to the Court because it will directly rebut the
2 testimony of Plaintiff Hill. Completing the evidentiary hearing as the Court originally
3 ordered (ECF No. 54) is not wasteful, as Plaintiffs submit, nor is it improper given the
4 Court has expressly offered to complete the hearing (ECF No. 85). While Quicken
5 Loans maintains that it has carried its burden on its Motion because there are no
6 *genuine* disputes of fact, it believes that the proper course is to finish the hearing so
7 that the evidentiary record before the Court is complete and final.
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10 WHEREFORE, IN LIGHT OF THE FOREGOING, IT IS HEREBY
11 STIPULATED, that:
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- 13 1. The parties do not agree as to whether a ruling on the current
14 record is appropriate and whether the evidentiary hearing
15 should continue in order to hear testimony from the remaining
16 witnesses.
- 17 2. In the event the Court continues the evidentiary hearing, the
18 parties can be available on any of the following dates: April 21,
19 2020; May 20, 2020; or May 21, 2020.

20 Dated: March 11, 2020

Respectfully submitted,

21 By: /s/ Frank S. Hedin
22 Frank S. Hedin

23 **HEDIN HALL LLP**
24 Frank S. Hedin (SBN: 291289)
25 David W. Hall (SBN: 274921)
26 Four Embarcadero Center, Suite 1400
27 San Francisco, California 94111
28 Telephone: (415) 766-3534
Facsimile: (415) 402-0058

KAZEROUNI LAW GROUP, APC

Abbas Kazerounian (SBN: 249203)

Jason A. Ibey (SBN: 284607)

245 Fischer Avenue, Suite D1

Costa Mesa, California 92626

Telephone: (800) 400-6808

Facsimile: (800) 520-5523

Counsel for Plaintiffs and Putative Classes

By: /s/ W. Kyle Tayman

W. Kyle Tayman

GOODWIN PROCTOR LLP

W. Kyle Tayman (*pro hac vice*)

601 S. Figueroa Street, 41st Floor,

Los Angeles, California 90017

Telephone: (213) 426-2500

Facsimile: (213) 623-1673

**MORGANROTH & MORGANROTH
PLLC**

Jeffrey B. Morganroth (*pro hac vice*)

344 North Old Woodard Avenue, Suite 200

Birmingham, Michigan 48009

Telephone: (248) 864-4000

Facsimile: (248) 864-4001

Counsel for Defendant

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